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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,536	09/10/1999	BRIAN T. WEBB	5577-177	4362

20792 7590 10/09/2002

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/394,536

Applicant(s)

WEBB ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on July 30, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/10/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 September 1999 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This is a second Non-final Rejection Office Action in response to Applicant's amendments and reconsideration filed on July 30, 2002. Claims 1-36 are presented to further examination.

### ***Response to Arguments***

Applicant's arguments filed July 30, 2002 with respect to claims 1-36 have been considered and arguments regarding teachings of Hurvig are found persuasive. Arguments regarding Nakabayashi et al. have been fully considered by they are not persuasive and rejection using Nakabayashi stands.

As Applicant requests the rejection sites specific passages that are relied upon for the new rejection to assists Applicant in locating specifics of Nakabayashi's disclosure.

Nakabayashi teaches a system for providing updates to client using a request response communications system. Applicant argues that Nakabayashi does not disclose or suggest "updated host screen information based on information formatted for character terminal display" (page 11 of "Amendment"). However Nakabayashi does teach updating information including data for display on a client screen in hypertext form (col. 44 lines 1-44; col. 45 line 1-14). The updated information originates from a web server acting as a host to the client. In addition hypertext or HTML defines page layout, text, fonts and graphic elements and hypertext is considered a presentation language. Therefore "information formatted for character terminal display" can be any hypertext display on a hardware monitor.

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Nakabayashi does teach what Applicant argues. Furthermore upon further investigation of Nakabayashi's reference it is found that Nakabayashi does teach all the limitations suggested in claim 1, as explained in the new grounds rejection below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1, 6-8, 11, 12, 17-19, 22, 23, 28, 29, 30, 33, and 34 are rejected under 35

U.S.C. 102(a) as being anticipated by Nakabayashi et al.

Nakabayashi shows the restrictions of claim 1 and 8 that are having the same limitations for receive and transmit operations respectively. The rejection also applies to 12 and 19; 23 and 30; and 34, for carrying out: a system, a computer program, and a system using web browser, respectively.

14 Nakabayashi shows a data monitor server working on behalf of the client. The data monitor server like the monitor application referred to in claim 1 line 7, forms a connection between it and the web server, or host, being monitored. The data monitor server receives notification or update check to inform the client the web server has an update (col. 47 line 52-col. 48 line 25).

Nakabayashi goes on to show another connection between client and web server for requesting and receiving the update data, in response to the update notification sent by the data-monitoring server (col. 48 lines 26-37).

The “update data being host screen information based on information formatted for character terminal display” is also a limitation shown by Nakabayashi. This has been discussed in “Response to Arguments” (see above).

From Nakabayashi, it is understood that a connection between client browser and web server, or host, can be made first and connection to the data monitor server second. Connections can be made and terminated in different orders in the network disclosed by Nakabayashi (col. 41).

In regards to claim 6, 17, and 28; the connections between data monitor server and host web server are conducted through a single communications link though a service provider to the Internet (fig. 40; col. 47 lines 56-61).

In referring to claim 7, 11, 18, 22, 29, and 33, Nakabayashi shows the data monitor server having more than one client for providing update information (col. 48 lines 51-59).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2-5, 9-10, 13-16, 20, 21, 24-27, 31, 32, 35, and 36 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayashi et al in view of Butts et al.

Claim 2 recites the limitation of web browser and notification code, claim 3 further shows the notification code. Both claims and the following having the same limitations: 9, 10, 13, 14, 20, 21, 24, 25, 31, 32, and 36, are rejected. Although Nakabayashi shows substantial features of the claimed invention including client browser, as disclosed above, it fails to disclose a monitor application having notifications code. Nonetheless, this feature is well known in the art for providing updates and would have been an obvious modification of the system disclosed by Nakabayashi et al.

In an analogous art Butts et al. (Butts) offers an improvement to the system presented by Nakabayashi. Both inventions offer a client browser updates and data from a host system through a monitoring server. Butts does this in a real-time communications system using applets also known as notification code as cited in claim 2 line 2. Butts et al disclose:

- An applet (notification code) downloaded and executed by client for real-time update information (col. 3 lines 53- col. 6 line 26).

Similar to Nakabayashi the server connected to the host obtains the host updates and data however Butts employs an applet code for providing the update. Executable code for an applet process is downloaded to the client system and applet process is executed under the client web browser at time of update (see col. 2 lines 15-30; col. 5 lines 14-43).

Given the teachings of Butts et al. one of ordinary skill in the art would have readily recognized the desirability and advantages of modifying Nakabayashi et al. by employing the well

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known features of an applet for updates, such as disclosed by Butts et al. in order to provide improvements to web browser methods to handle real-time host updates to user screens.

In regards to claim 4, 15, and 26, Butts shows the update host screen information comprising of Markup language as well known (col. 1 lines 30-40).

In regards to claim 5, 16, and 27, Butts discloses the host information comprising of terminal emulation information coming from a web/emulation server. Web browser invokes a terminal session to access data and on the host system (col. 3 line 66- col. 4 line 31).

In regards to claim 35, Butts shows connections comprising of sockets (fig. 1 item 44; col. 4 lines 15-31).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

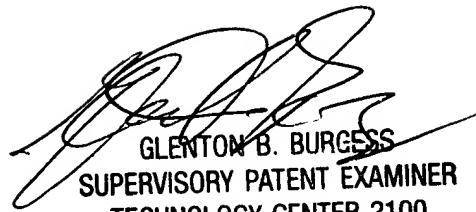
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AC

October 7, 2002



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